THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.19532 OF 1997

DATED 25-01-2006

Between:

Amine Khatoon,

W/o Md.Zaheeruddin,

R/o 16-2-740/A/1/4,

Asmangad, Andhra Bank Colony,

Hyderabad.

....Petitioner

And

The Hyderabad Metropolitan Water Suplpy &

Sewerage Board, Rep. by its Managing Director,

Hyderabad and 4 others.

....Respondents

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ORDER:

This writ petition is filed by Amina Khatoon, a flat owner of premises bearing No.16-2-740/A/1/4, Asmangadh, Andhra Bank Colony, Hyderabad, challenging the correctness of the notice dated 23-07-1995 issued by the third respondent in proceedings No.Dy.GM/E/SD-II/AG/97-98.

The petitioner is one of the flat owners, who purchased the same by a registered sale deed bearing document No.1583 dated 01-07-1995. It is the case of the petitioner that her premises was assessed to property tax etc., separately. The first respondent-Board sanctioned a separate independent water connection under ledger No.222/7121 dated
06-06-1992 vide sanction order dated 16-04-1992 and the petitioner has been paying the water charges. Apart from the petitioner, five other flat owners have their own separate independent water connections.

The petitioner questions the validity of the impugned notice dated 23-07-1997 mainly on the ground that Rule 16(2) of the Hyderabad Metropolitan Water Supply and Sewerage Rules, 1990 read with Section 79 of the Hyderabad Metropolitan Water Supply and Sewerage Board Act (HMWSSB) has no application.

Though the writ petition is of the year 1997, no counter-affidavit is filed on behalf of the respondents or was there any representation on their behalf.

A perusal of the impugned notice dated 23-07-1997 shows that the petitioner was informed to approach the Department to apply for a single water supply connection of required size by referring to the provision under Section 16(2) of the Rules. There is no indication of any penal action for failing to make such application. If it is the case of the petitioner that Rule 16(2) of the Rules will not apply and that she is entitled to have a separate water supply connection as per the existing Rules, the petitioner can very well approach the respondent authorities by way of a representation. By the impugned notice, no decision, as such, has been taken. In the absence of any counter-affidavit, as per the Rules in force each flat owner is entitled to a separate connection or for the entire building single water supply connection is to be given is a matter which requires to be considered by the respondents taking into consideration, the objections to be filed by the petitioner.

In view of the fact that no penal action is indicated in the impugned notice dated 23-07-1997, I dispose of the writ petition permitting the petitioner to raise such objections before the respondent authorities by filing a representation with a period of six weeks from today. It is open to the petitioner raise all such objections as to applicability of

Rule 16(2) of the Rules and also as to the entitlement to continue a separate connection to the flat which is said to be already given. On filing such objections, the respondents shall consider the same and communicate to the petitioner either to continue the existing water supply connection or further to make an application for collective water supply connection. Till the matter is examined by the respondents and appropriate communication is made to the petitioner, the respondents are directed not take any steps to disconnect the water supply which is existing to the petitioner's flat. It is also made clear that if the petitioner does not file such objections within the time stipulated above, it is open to the respondents to take steps as per the impugned notice.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

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25-01-2006.

Lrkm.